

## REMARKS

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

This is in response to the Office action mailed November 21, 2007, in the above referenced application. Presently, claims 1-48 are pending. Claims 27 and 29 are allowed. Claims 1-26, 28 and 30-48 stand rejected. With this Amendment, claims 1, 4-8, 15, 19-22, 26, 30, 31, 33 and 42 are amended, and claims 9, 14, 17 and 18 are canceled. Support for these amendments is present at **FIG. 4** which details an enlarged cross section of conductive and insulative layers within the sensor mat structure and the explanation of **FIG. 4** on pages 13 and 14 of the specification in paragraph [0027]. Note that at page 18, lines 6-16, the occupation of the sensing mat by a swimmer is disclosed to result in a first level of capacitance and, subsequently, at lines 16-20, the departure of a swimmer is disclosed to alter the capacitance to a second level of capacitance. The circuit monitoring the change between first and second levels of capacitance is disclosed to be driven by such a change at page 18, lines 20-27. Additional support for the sensor circuit and monitor circuits is present in paragraphs [0028] through [0031] which explain **FIGS. 6a and 6b**. No new matter has been added.

In the Office action, claims 1-7, 9-14, 16-26 and 28 were rejected under 35 U.S.C. 102(e) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Philipp (2004/0104826). In general remarks concerning this rejection, the Examiner observed that the claims recite a particular use for a capacitive sensor. There are no structural elements that limit the sensor to the claimed desired use. Applicant's attorney appreciates the Examiner's most helpful comments. As now recited, claim 1 and claims depending therefrom require certain structural elements limiting the sensor mat to use sensing a swimmer occupying a swimmer occupiable region on the sensor mat. Additionally, please note that the sensor mat as now recited includes a conductive layer which is not connected to the sensor or monitor circuit. This conductive exterior layer (50) is detailed in the specification at page 13, lines 21-28, in paragraph [0027]. It is respectfully submitted that the Philipp reference lacks such a layer and therefore does not anticipate the present

invention. Rather, as best understood, the Philipp reference includes a resistive layer (14) connected to a sensor circuit at two different points. In an alternative embodiment shown in **FIG. 15** on the second drawing sheet, Philipp instead employs a pair of tapering electrodes also connected to terminations 18 and 20, noting paragraph [0087]. In both cases, these disclosed structures are different from that now recited in claim 1.

The Examiner also indicated that in the alternative, the Philipp reference might render the present invention obvious. However, one of ordinary skill would surely note that Philipp's main objective is to detect position of touch on a capacitive sensor. The structure of claim 1 is opposite to that objective due in large part to the conductive exterior layer 50 which promotes uniform sensing and ensures that touch rather than proximity will be sensed. These are opposite goals to the objectives being taught by Philipp. Therefore, it is respectfully submitted that the present invention is not obvious over Philipp. Reconsideration and allowance of amended claim 1 and all claims depending therefrom is respectfully requested.

In the Office action, claims 8, 15 and 30-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Philipp, as earlier applied by the Examiner to claim 1, and further in view of Coble (3,916,214). In explaining the rejection, the Examiner indicated taking the position that Philipp, in paragraph [0008], suggests using a capacitive sensor to replace a mechanical switch. In reviewing paragraph [0008], however, it appears that Philipp teaches that a magnetic rotary switch may be used as a substitute for a mechanical switch, but is expensive. Coble teaches using a pool mat with a mechanical switch and a non-slip surface. The Examiner proposes that the capacitive position sensor of Philipp be substituted into Coble. It is respectfully submitted that the rejected claims, as now presented, would not be accomplished by the proposed substitution of Philipp's capacitive position sensor into Coble for Coble's mechanically switched pool mat. In particular, as noted earlier, Philipp lacks a conductive exterior layer, electrically unconnected to a sensor or monitor circuit, which defines a swimmer occupiable region. Coble also lacks such a layer. At column 4, line 37, top layer 29 of Coble is described as non-conductive. One of ordinary skill would not be lead to the present invention by such a combination. Moreover, one of ordinary skill would

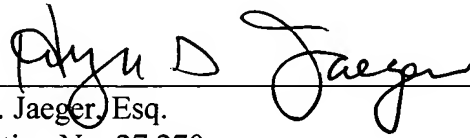
not be lead to employ the Philipp position sensing technology since the position sensing technology stresses the need to distinguish various positions upon the sensor. Reconsideration and allowance of claims 8, 15 and 30-48 is respectfully requested.

If there are any further issues yet to be resolved to advance the prosecution of this patent application to issue, the Examiner is requested to telephone the undersigned counsel.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Hugh D. Jaeger", written over a horizontal line.

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